

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:08 p.m. by Mayor Bush and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Bush, Vice-Mayor Venis and Councilmembers Cox (arrived at 7:12 p.m.) and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting. Councilmember Kiar was absent.

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to excuse Councilmember Kiar. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**3. PRESENTATIONS**

*To Council*

**3.1 Florida Westfair**

Tom Sheehan, representing the Boys and Girls Club, updated Council on the upcoming events which began February 23rd. He invited Council and the community to help in cleaning up the Huck Liles property and indicated that volunteers to staff the event were always needed.

Mayor Bush indicated that item 3.3 would be taken out of order. No objections were noted.

**3.3** Larry & Kathy Danielle presented Council with a limited edition lithograph in honor of Westfair.

**3.2 Hiatus Road Status Report**

Robert Rawls, Assistant Town Administrator, advised that the Town had been successful in having the Hiatus Road corridor removed from the current construction program and the Year 2015 Program. He added that the Town had been scheduled to make a formal presentation to the Planning Council on February 22nd to better advance the Town's position. Mr. Rawls stated that the County had asked for a motion affirming the Town's position which was that the Town would like to maintain the two lane section of Hiatus Road, have it removed from any consideration for future expansion and widening, that it be removed from the Trafficways Plan and that the Town would like the road maintained and continued as a County collective roadway.

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, that the Town wanted to keep Hiatus Road as two [lanes], that the road was to be deleted from the Trafficways [Plan] and the County was to maintain and operate the road. Discussion followed. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**3.3 Larry & Kathy Danielle**

This item was previously heard.

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**4. OCCUPATIONAL LICENSES**

*Home Occupational*

**4.1 KC Electronic Claims Processing, 10940 SW 29 Court**

The applicant was not present.

*Carnival - Waiver of Fees*

**4.2 Saint David Catholic Church, 3900 South University Drive (March 14 - 17, 1996)**

Ed Matula, representing the applicant, was present and asked that the fees be waived.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**5. COUNCILMEMBER COMMENTS**

**COUNCILMEMBER SANTINI**

**TAE KWON DO.** Councilmember Santini stated that she had represented the Town at a Korean Tae Kwon Do event.

**TIMING SYSTEM.** Councilmember Santini thanked Mayor Bush for implementing the timing system during Council meetings.

**POLICE HORSE PATROL.** Councilmember Santini stated that she was excited that the Police horse patrol was being implemented for a six month period.

**VOLUNTEER COACHES.** Councilmember Santini stated that Council had attended a reception for volunteer coaches and adding that the Town was now formally thanking the coaches for participating with the Town's youth.

**MENTORING.** Councilmember Santini introduced Jennifer Winderman who was a Senior from South Plantation High School and indicated that Miss Winderman was interested in getting into politics.

**COUNCILMEMBER COX**

**DR. MARTIN LUTHER KING.** Councilmember Cox stated that she attended a salute to Dr. Martin Luther King sponsored by the Town, Jones Intercable, Broward Community College and the African American Students Association. She thanked Community Services Supervisor Bonnie Stafiej, Jones Intercable and Family Bank for their efforts.

**COUNCIL WORKSHOP.** Councilmember Cox stated that a workshop on the Estate zoning and equestrian districts would be held on January 22nd at 6:30 p.m.

**DEDICATION CEREMONIES.** Councilmember Cox stated that the Wolf Lake Pavilion was being dedicated this weekend. She added that a grand opening ceremony for the Robbins Pavilion was also being held preceding the Wolf Lake Pavilion dedication.

**SOUTH FLORIDA TRAILRIDERS.** Councilmember Cox stated that the South Florida Trailriders had recently cleared .15 miles of trail on the Robbins property and thanked the Trailriders.

**WESTFAIR.** Councilmember Cox advised that the "kick-off" event for Westfair was being held on January 27th beginning at 10:00 a.m. at Tree Tops Park. She stated that the event was being sponsored by the Trailriders and would raise money for the Boys and Girls Club.

**COUNCILMEMBER KIAR**

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

Councilmember Kiar was not present.

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**VICE-MAYOR VENIS**

**BLASTING.** Vice-Mayor Venis stated that he, Mr. Flatley and Mr. Rawls had attended Broward County's meeting regarding blasting and added that they had voiced their opposition to blasting. He advised that this matter had been tabled to March 2nd and thanked several residents for also attending the meeting.

**POLICE ATHLETIC LEAGUE.** Vice-Mayor Venis stated that he had received an article from Representative Tracy Stafford regarding the Town's Police Athletic League and the joint venture with the American Legion regarding the Legion's \$50,000 commitment. He believed that staff would be "firming up" the issue this Friday and mentioned the individuals who were working on this matter.

**DRAINAGE PROBLEM.** Vice-Mayor Venis stated that there was a drainage problem at the main entrance in Shenandoah which he believed would be fixed soon.

**QUARTERLY REVIEW.** Vice-Mayor Venis stated that the quarterly budget review that was scheduled for later in the meeting would be tabled to the next meeting.

**CRIME WATCH PROGRAM.** Debbie Apolinario thanked Vice-Mayor Venis for meeting with the residents regarding a Crime Watch Program and discussed the reasons for joining the Program in Oak Hill. She asked that interested parties contact either herself or Michael Davenport.

**MAYOR BUSH**

**POLICE ATHLETIC LEAGUE.** Police Chief Jack Mackie stated that the annual Spaghetti Dinner would be held on March 20th and was being sponsored by Rigatoni's. He advised that tickets were available for \$5 for adults and \$3 for children under 12.

Vice-Mayor Venis questioned if a Comedy Night would be held again this year.

**6. CONSENT AGENDA**

*Minutes*

6.1 September 8, 1994 - Special Meeting

6.2 January 3, 1996 - Open Public Meeting

6.3 January 3, 1996 - Regular Meeting

*Proclamations*

6.4 Engineers Week - February 18 - 24, 1996

6.6 Arbor Day - January 19, 1996

*Parade Permit*

6.6 Boys & Girls Clubs of Broward County (Florida Westfair) - February 24, 1996

*Resolutions*

6.7 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**

R-96-4

APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-1-95, Silver Springs Ranches, 2500 SW 154 Avenue) Planning and Zoning Department approved subject to the planing report; Planning and Zoning Board approved subject to the planing report

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

- R-96-5      **6.8 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 94-169 FROM \$11,200 IN AMOUNT TO \$700; AND PROVIDING AN EFFECTIVE DATE. (Nancy A. Santos)
- R-96-6      **6.9 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SCHOOL CROSSING GUARDS. (Kemp Services, Inc. - \$9.00/hr.; estimated to be a yearly expenditure of \$119,637)
- R-96-7      **6.10 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SOCCER AND FLAG FOOTBALL OFFICIALS. (Broward Sports Officials Association, Inc. - \$13/game/official plus \$3 scheduling fee/game)
- R-96-8      **6.11 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR REPLACEMENT TRUCKS, BROWARD CO-OP PURCHASING GROUP BID #95-C-172F AND STATE OF FLORIDA BID 070-001-95-1. (Brandon Chrysler Plymouth Jeep Eagle, Inc., Lou Bachrodt Chevrolet and Duval Ford; 2 Jeep Cherokee XJTL74 - not to exceed \$45,000; 1 Chevrolet C3500 crew cab - not to exceed \$25,000; and 1 Ford Super Duty - not to exceed \$30,000)
- R-96-9      **6.12 EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR SLUDGE HAULING SERVICES. (J & J Baker Enterprises, Inc.)
- R-96-10      **6.13 PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE FLORIDA POLICE ADVISOR SUBSCRIPTION THROUGH CUMBERLAND PUBLICATIONS, INC., WITH FUNDING FROM THE LAW ENFORCEMENT TRUST FUND. (\$1,560)
- R-96-11      **6.14 FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROPRIATING SUFFICIENT FUNDS FROM FUND BALANCE TO PAY THE COSTS ASSOCIATED WITH THE PURCHASE OF THE HUCK LILES PROPERTY.
- 6.15 EASTSIDE NEIGHBORHOOD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE CRA'S REQUEST OF \$7,000 FOR PARKING ALONG THE EASTERN EXTENSION OF S.W. 43RD STREET IN THE EASTSIDE NEIGHBORHOOD.
- 6.16 DESIGN/BUILD RANKINGS** - A RESOLUTION OF THE TOWN

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

R-96-12      OF DAVIE,  
FLORIDA, APPROVING THE RANKINGS FOR DESIGN/BUILD A  
CONCESSION STAND AT BAMFORD SPORTS COMPLEX AND  
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO  
NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (Jeffrey Igoe  
Architects)

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

- R-96-13      6.17      **SERVICES TO ELDERLY - A RESOLUTION OF THE TOWN OF DAVIE,**  
FLORIDA AUTHORIZING THE TOWN OF DAVIE POLICE DEPARTMENT TO WORK JOINTLY WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS AND THE BROWARD SHERIFF'S OFFICE TO ENHANCE THE DELIVERY OF LAW ENFORCEMENT SERVICES TO THE ELDERLY; AND PROVIDING AN EFFECTIVE DATE.
- R-96-14      6.18      **ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DAVIE RODEO ASSOCIATION, INC. (Jack Pot Rodeo; January 17 - June 26, 1996; \$100/date and \$12,500 in capital improvements)
- R-96-15      6.19      **ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF BROWARD. (Boys & Girls Club of Broward County (Florida Westfair), February 23 - March 3, 1996; waiver of fees)
- R-96-16      6.20      **NEEDS ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE,**  
FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ARCHITECTS DESIGN GROUP, INC. TO PERFORM A NEEDS ASSESSMENT STUDY FOR A NEW POLICE AND FIRE FACILITY.
- R-96-17      6.21      **INVESTMENT ACCOUNT - A RESOLUTION OF THE TOWN OF DAVIE,**  
FLORIDA, AUTHORIZING THE ESTABLISHMENT OF AN INVESTMENT ACCOUNT WITH THE STATE BOARD OF ADMINISTRATION FOR THE TOWN'S POLICE DEPARTMENT FORFEITURE FUNDS.
- R-96-18      6.22      **MOUNTED PATROL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
AUTHORIZING EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO EXPAND THE COMMUNITY ORIENTED POLICE PROGRAM TO INCLUDE A PILOT MOUNTED PATROL UNIT.
- R-96-19      6.23      **EMERGENCY MEDICAL SERVICES - A RESOLUTION OF THE TOWN OF**  
DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT FOR PROVISION OF EMERGENCY MEDICAL SERVICES WITH BROWARD AMBULANCE, INC., A DELAWARE CORPORATION DOING BUSINESS AS LIFEFLEET ATLANTIC, PROVIDING FOR LIFEFLEET TO OPERATE THE TOWN'S EMERGENCY MEDICAL SERVICES SYSTEM; AND PROVIDING AN



**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**EFFECTIVE DATE**

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

*Ordinance - First Reading (Public Hearing to be held on February 7, 1996)*

**6.24 PURCHASING PROCEDURES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 88-70 BY AMENDING CHAPTER 2 ARTICLE VIII, SECTION 2-316, SECTION 2-317, SECTION 2-319, AND SECTION 2-323 OF THE TOWN OF DAVIE'S PURCHASING PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*RECOMMENDATION: Approval*

Vice-Mayor Venis asked that item 6.23 be removed from the Consent Agenda. Councilmember Cox asked that items 6.7, 6.11, and 6.20 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Bush advised that a public hearing on item 6.24 would be held on February 7, 1996.

Councilmember Santini asked that item 6.15 be removed.

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 6.7, 6.11, 6.15, 6.20, and 6.23. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; Councilmember Santini - yes. (Motion carried 4-0)

6.7 Councilmember Cox questioned the easement. Gayle Easterling, Town Planner, explained the dimensions.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

6.11 Councilmember Cox questioned the purchase of two Jeeps instead of trucks. Christopher Wallace, Director of Budget and Finance, advised that staff had indicated that trucks did not suit the needs of transporting people and types of equipment that should not be exposed. Herb Hyman, Procurement Manager, advised that the Jeep was the cheapest vehicle in the class that was looked at. Discussion followed.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

6.15 Town Clerk Reinfeld advised that this item had been withdrawn.

6.20 Councilmember Cox questioned how the vendor was selected. Chief Mackie explained the process. Councilmember Cox stated that she was concerned that the Town would be bound to an architecture that was not wanted. Chief Mackie stated that the architecture bid had not been awarded and this resolution only provided for a needs assessment. He added that he wanted the new building to last for at least 25 years and a needs assessment would provide for this type of projection and the special equipment that was needed.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

6.23 Mr. Flatley advised that the emergency medical service contract would guarantee a six minute response time for 90% of the calls. He stated that endless hours had been spent on this matter and thanked the firefighters for their input.

Jim Bunce, President of the International Association of Fire Fighters, thanked Mr. Flatley for the opportunity to be involved in the negotiations and added that the Fire Department was still interested in being phased in to provide the services as soon as possible. Mr. Flatley advised that the Town currently had 11 firefighters enrolled in school and once these firefighters had completed the school, the Town would be transitioning each station until the Town assumed control.

Walt Eissman stated that he looked forward to working with the Town and making the transition to the Fire Department. Jeff Sinewski thanked staff and Mr. Webber for their efforts and added that this contract was the start of a good private/public partnership.

Fire Chief Michael Donati stated that staff had accomplished its goals and the outcome would be a high level of service for the Town's residents. He looked forward to working with LifeFleet.

Mr. Flatley recognized Mr. Webber's efforts with the contract.

Vice-Mayor Venis made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**7. SITE PLANS**

*7.1SP 9-1-95, Petropac, Inc., 2701 Reese Road (M-3) Planning and Zoning Department approved subject to planning report; Site Plan Committee approved subject to the planning report and all openings being closed in by block to be stuccoed to match the existing building to balance the building*

Gary Kilgore, representing the applicant, was present. Matt Wood, Town Planner, read the planning report.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

*7.2SP 11-1-95, Homestead Village, southeast corner of State Road 84 and Tri County Square Drive (B-3) Planning and Zoning Department approved subject to planning report; Site Plan Committee approved subject to planning report; 3 additional wax myrtles, clarification of the berm on front, clarification that the hedge material is adequate to screen the headlights on back part of property and provide adequate hedging on the front of the property*

Joe Handley, representing the applicant, was present. Mr. Wood read the planning report.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve subject to the planner's report and the Site Plan Committee's recommendations. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

7.3SP 11-5-95, Discount Auto Parts Store 520, northeast corner of Pine Island Road and Orange Drive (B-3) Planning and Zoning Department approved subject to planning report; Site Plan Committee approved based on the planning report, additional cocoplums around the dumpster, the dumpster itself being split face block with chain link framing with a wood face on steel poles and that the color of the upper facia being black with split face block in gray and the storefront being in black

Larry Frank, representing the applicant, was present. Mr. Wood read the planning report. Councilmember Cox described the colors that were approved by the Site Plan Committee.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**8. PUBLIC HEARINGS**

Mayor Bush opened the public hearing portion of the meeting and stated that public hearing comments would be limited to three minutes.

*Ordinance - Second and Final Reading*

96-2      **8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CR TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 10-3-95, west side of University Drive approximately 2,750 feet north of Stirling Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**8.2 REZONING - ZB 11-2-95, H.J. Zimmerman & Associates, Inc./Golden Pond Development Corp., northwest corner of Flamingo Road and Orange Drive (from A-1 to B-3) Planning and Zoning Department approved subject to the planning report; Planning and Zoning Board subject to the staff report with a recommendation that staff get with petitioner to try and define stand alone lounge/bar and to prohibit same**

Mr. Webber stated that expert witnesses would be limited to a five minute presentation with residents being limited to a three minute presentation. He explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Michele Mellgren, Director of Planning, advised that staff's resumes were on file with the Town. She read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Howard Zimmerman, representing the petitioner, advised that the petitioner concurred with the staff's recommendation and a provision to prohibit free-standing

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

bars/lounges on the property had been submitted to staff. He provided a stipulation that would incorporate an extension of the equestrian trail system at the north end, western bufferyards.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning.

David Brown, 11868 SW 43 Court, advised that the Laurel Oaks Homeowners Association Executive Board questioned that if the petitioner was willing to provide an exception for mobile home sales, would an exception be provided for vehicle/boat/truck sales and truck/auto/trailer/utility rental.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. The following individuals spoke in opposition:

Judy Paul, 14421 SW 24 Street.

Doug French, 3553 Crystal Lane, questioned the blasting.

Hilda Testa, 13910 SW 24 Street.

Bob Muccio also requested that the matter be tabled until all Councilmembers were present.

Charles Trowbridge, 14691 SW 21 Street, agreed that the matter should be tabled.

Mr. Zimmerman stated that the applicant would stipulate that there would be no facility that permitted outside storage of boats and trailers on the property.

Mr. Webber stated that the public hearing was concluded and Council could deliberate. He advised that the petitioner would be coming in for various applications for rezonings and the Town did not know when the site plans would come in. Mr. Webber indicated that once the zoning approvals were obtained and the period of appeals ran, the petitioner's opportunity to terminate the contract would end. Mr. Zimmerman stated that should the site plan be provided prior to the final order being entered and the plan was disapproved, the applicant would be "back to square one". He stated that should the site plan be disapproved after the final order was entered, the applicant would be required to follow the Town's decision. Discussion followed. A discussion was held on blasting with Mr. Zimmerman indicating that the petitioner did not believe that blasting would be needed for this property. Mr. Zimmerman stipulated that the petitioner would give a ten day notice for blasting instead of 48 hours notice and in addition to the outdoor storage of vehicles, there would not be any car dealerships on the site.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 8.2. Vice-Mayor Venis stated that items 8.2, 8.3 and 8.5 were tied into the settlement agreement and added that he was not in favor of the settlement agreement. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 3-1)

**8.3 REZONING** - ZB 11-3-95, H.J. Zimmerman & Associates, Inc./Silverado Development Corp., northeast corner of Griffin Road and NW 160 Avenue (from A-1 to BP) *Planning and Zoning Department approved subject to the planning report; Planning and Zoning Board subject to the staff report*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Howard Zimmerman, representing the petitioner, advised that the petitioner concurred with staff's recommendation and the planning report. He added that the petitioner had stipulated to submitting a uniform plan of the development for the entire

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

parcel to the Planning and Zoning Board at the time of site plan.

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

Councilmember Cox questioned the blasting. Mr. Zimmerman responded that the petitioner had not conducted any testing.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. The following individuals spoke in opposition:

Charles Trowbridge, 14691 SW 21 Street, wanted to see a conceptual site plan.

Debbie Apolinario, 2940 SW 148 Avenue, questioned the "lake" designation and the 36th Street bridge.

Jose Cruz, 3150 Fairfax Lane, was sworn in and questioned if traffic impact studies had been completed.

Mr. Zimmerman advised that the property was in a compact deferral area and explained that Broward County would not allow any development until a traffic analysis had been completed. He stated that the amount of land designated on the site plan was the minimum amount of water body that was required by the South Broward Drainage District for drainage purposes.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 8.3. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 3-1)

**8.4 REZONING TABLED TO PLANNING AND ZONING BOARD  
MEETING OF JANUARY 24, 1996**

ZB 11-4-95, Craven Thompson and Associates, Inc./Florida Dairy Farmers Association, 4500 Oakes Road (from M-1, Broward County, to M-3, Davie)

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, to table item 8.4 to February 7, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**8.5 REZONING** - ZB 11-5-95, H.J. Zimmerman & Associates, Inc./Pasadena @ Imagination Farms, Inc., 13000 Orange Drive (from A-1 to E) *Planning and Zoning Department approved subject to the planning report; Planning and Zoning Board denied*

Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Howard Zimmerman, representing the petitioner, stated that the petitioner concurred with the staff recommendation but not with the Planning and Zoning Board's recommendation. He explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. The following individuals spoke in opposition:

Michael Davenport, 14041 SW 22 Place.

Lloyd Phillips, 14220 SW 29 Court, was sworn in and discussed the blasting.

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**



**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

Courtney Hancock, 14940 SW 31 Court.

Bob Merchant.

Dean Alexander, 13820 SW 16 Street.

Judy Paul, 14421 SW 24 Street, submitted two photographs into the record and spoke in opposition.

Doug French, 3553 Crystal Lane.

Charles Trowbridge, 14691 SW 21 Street.

James Newell, 14035 SW 20 Street, spoke in opposition and submitted the front page of correspondence from Peter Deutsch and two newspaper articles which Mr. Webber accepted as hearsay.

Jay Enten, 4800 Hawkes Bluff Avenue, was sworn in and spoke in opposition.

Mr. Phillips indicated that not many people knew of tonight's meeting.

Debbie Apolinario, 2940 SW 148 Avenue.

Hilda Testa, 13910 SW 24 Street.

Phyllis Kowal, 14491 SW 24 Street.

Tom Bowman, 13700 SW 36 Court.

Pat Grimson, 15150 SW 27 Street.

Chris Carlton, 14330 SW 20 Street.

Stan Fowler, 14611 SW 17 Court.

Mr. Zimmerman indicated that the issue of one unit to the acre should be a non-issue as the property was land used for one unit to the acre. He added that the petitioner had gone beyond what the Town's Code permitted for the implementation of one unit to the acre.

Mr. Zimmerman stated that the petitioner did not want to blast any more than the Town did. He advised that by law, 18% of the land had to be converted to water for storage purposes and added that no one wanted to blast. Mr. Zimmerman stated that he would provide an addendum to the agreement that provided for an appropriate penalty for blasting occurred after the authorized hours. He indicated that the preblast inspection was conducted under the Town's supervision at the petitioner's expense. Mr. Zimmerman reiterated that the blasting notification would be increased from 48 hours to ten days. He stated that there were a number of reports regarding blasting adjacent to a landfill.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

Councilmember Santini stated that the agreement that the Town entered into protected the residents and the most difficult part of the agreement was blasting because Council was against it.

Councilmember Cox stated that she would prefer to have assurances that the petitioner would not blast and if the petitioner was going to excavate the site, would fill be hauled off-site. Mr. Zimmerman replied that the petitioner was not blasting to create fill to haul off-site which was in the agreement. He added that he could not say that blasting would not be done as he did not know and he could not conduct the tests that he wanted to conduct until he had excavation permits which would not be until April.

Councilmember Cox asked if the legal mechanism to finalize the agreement would be filed after the Town finalized the site plan. Mr. Webber responded that it was anticipated that once the zonings had been approved and the 30 day appeal period had run, the judgment to lift the injunction would be obtained. Dennis Mele, representing the petitioner, advised that the agreement referred to the zonings and the plats. As he understood there would be further

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

hearings on this matter, the legal mechanism would be filed after the last hearing on the zoning and the last hearing on the plat. Ms. Mellgren indicated that the plats and site plans should be heard at Council's first meeting in March. Discussion followed on blasting with Mr. Webber explaining the presumption of soundness.

Mayor Bush questioned the length of time after which the blast could a claim be made. Mr. Zimmerman indicated that the petitioner presumed that the insurance policy would be maintained during the whole development process. He added that the insurance policy could be maintained for a year beyond the completion of the land development work.

Mr. Zimmerman explained the complaint process. Mayor Bush asked if there was an appeal process such as a mediator or hearing referee. Mr. Zimmerman and Mr. Webber concurred that this issue was not spelled out in the agreement. Mayor Bush questioned if this issue could be added. Mr. Zimmerman stated that the petitioner would provide a mechanism for appeal.

Councilmember Cox stated that in return for the Town allowing for more digging for the drainage and to reduce the lot size as a result of the digging, she was looking for no blasting to occur on this site. She indicated that she did not want to approve this issue until she knew that the petitioner was not going to blast. Councilmember Cox suggested that the Town extend the filing of the papers until permits were received from the Army Corp of Engineers.

A recess was called at 11:23 p.m. and reconvened at 11:40 p.m.

Mr. Zimmerman stated that the petitioner could agree that the final stipulation would not be entered into the court until a determination had been made as to what could be done. He indicated that the petitioner would start to investigate the property wherein it may be found that problems may exist on certain portions of the property. Mr. Zimmerman stated that if this occurred, the petitioner wanted to be able to modify the site plan without having it deemed that the agreement was violated. He added that the petitioner wanted to return directly to Council with the change. Councilmember Cox clarified that Council was allowing for flexibility on the site plan in exchange for no blasting on the property. Mr. Zimmerman agreed and added that the number of lots would change but not fall below the standards in the agreement. Councilmember Cox stated that she was more comfortable with the application if the property came into the Town's jurisdiction, "if we could get away from the blasting", and still maintain the density of a gross one unit per acre and the large lots. She said that at this stage, she was trading the smaller lots for no blasting on the site and asked Mr. Webber if the petitioners representation was enforceable. Mr. Webber indicated that he would like the approval contingent upon a modification of the agreement to incorporate tonight's discussion. Mr. Mele stated that this "sounds fine" and he would want to discuss the format with Mr. Webber. Mr. Webber advised that he wanted a clear understanding in writing as to the representations that were made. Mr. Mele agreed.

Vice-Mayor Venis stated that in November, his major concerns were with blasting and the size of the lots. He appreciated the concession that the developer had made regarding not blasting on the site; however, he still had a problem with lot sizes. Vice-Mayor Venis indicated that he would not vote in favor of this item.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve with the stipulation that an agreement was worked out regarding the blasting as discussed by

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

Mr. Webber. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 3-1)

**8.6 VARIANCE TABLED TO PLANNING AND ZONING BOARD  
MEETING OF JANUARY 24, 1996**

V 12-1-95, Danielle, 3581 Red Road (RM-5, County) (to reduce the front yard from 25 feet to 19.4 feet) *Planning and Zoning Department approved*

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to table item 8.6 to February 7, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**8.7 VARIANCE - V 12-2-95, Phillips, 6211 Gauntlet Hall Lane (R-1B, County)**  
(to reduce the required street side yard from 15 feet to 12 feet) *Planning and Zoning Department denied; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

The petitioner explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

Mayor Bush closed the public hearing.

**9. RESOLUTIONS**

Mr. Flatley advised that staff wanted items 9.1 and 9.2 tabled to February 21st to gain more input from the staff and the public.

Councilmember Santini so moved which was seconded by Vice-Mayor Venis.

Mr. Flatley distributed an analysis of the Town's Charter which was completed by Municipal Code Corporation and would save the Town time and money. He asked that a workshop be scheduled for the week of February 12th to discuss the referendums and the Charter analysis.

In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**9.1 REFERENDUM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED SIX MILLION DOLLARS FOR THE PURPOSE OF CONSTRUCTING A POLICE, FIRE, EMERGENCY MEDICAL SERVICES AND A TOWN HALL ANNEX FACILITY; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was previously tabled.

**9.2 REFERENDUM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED FIVE MILLION DOLLARS FOR THE PURPOSE OF EXPANDING PARKS, BUILDING BALLFIELDS AND OTHER RECREATIONAL FACILITIES IN THE TOWN; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was previously tabled.

**10. APPOINTMENTS**

10.1 Code of Ordinance Review Committee (appointment by Councilmember Santini)

Councilmember Santini appointed Bob Legg. In a voice vote, , with Councilmember Kiar being absent, all voted in favor.

10.2 Police Pension Board (affirm Dr. Richard Strain as elected by the Police Pension Board)

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve the appointment of Dr. Strain. In a voice vote, with Councilmember Kiar being absent, all voted in favor.

**11. DISCUSSION**

11.1 Quarterly Budget Review

11.2 Quarterly Capital Projects Update

11.3 Quarterly Review of Town's Goals and Objectives

Council deferred these items until the February 7th meeting.

11.4 Town Administrator's Six Month Performance Review

Mr. Flatley suggested that this matter be discussed with a full Council being present and indicated that someone had suggested that this matter be deferred until July when he would be here for a full year. Councilmember Santini and Mayor Bush indicated that they would prefer to have the review on an annual basis.

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, to change the evaluation date to an annual date beginning July 17, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 17, 1996  
7:00 P.M.**

**12. TOWN ADMINISTRATOR'S REPORT**

**DAVIE WATER ADVISORY BOARD.** Mr. Flatley stated that the Davie Water Advisory Board would meet on the third Tuesday of each month.

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:04 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_

Mayor/Councilmember

\_\_\_\_\_  
Town Clerk